State of California—Health and Human Services Agency
California Department of Public Health
DRINKING WATER FIELD OPERATIONS BRANCH
50 D STREET, SUITE 200, SANTA ROSA, CA 95404
PHONE: (707) 576-2145 / FAX: (707) 576-2722
INTERNET ADDRESS: www.cdph.ca.gov

Ron Chapman, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

November 27, 2012

Mr. Philip Miller
Lake Berryessa Resort Improvement District
804 First Street
Napa, CA 94559

Dear Mr. Philip Miller:

Enclosed is a citation issued to the Lake Berryessa Resort Improvement District (Water System). The citation is being issued because the Water System failed to comply with the maximum contaminant level (MCL) for a disinfection byproduct, as specified in Section 64533, Title 22 of the California Code of Regulations during the 3rd Quarter 2012.

The Citation consists of seven sections. The Determinations section describes the violation which resulted in the issuance of this Citation. The Directives section specifies what notifications are required, how and when to complete the notifications, and what required actions must be taken by the Water System to return to compliance. The Further Enforcement Action section describes penalties that may be assessed for failure to comply with the Citation. No civil penalty is levied in the enclosed citation.

Your Water System will be billed at the Department's current hourly rate of $126.00 for the time spent issuing this Citation and any follow-up time required of Department staff to ensure compliance. The Water System will receive a bill from our Fee Billing Unit in Sacramento. If you have any questions regarding this matter, please contact our office at (707) 576-2145.

Sincerely,

Michelle F. Frederick

Michelle Floyd Frederick, P.E.
District Engineer
Mendocino District

Enclosure: Citation No. 02-03-12C031-2800526-1211-02

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Citation No. 02-03-12C031-2800526-1211-02

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC HEALTH

Public Water System: Lake Berryessa Resort Improvement District

Water System No.: 2800526

Issue Date: November 27, 2012

To: Lake Berryessa Resort Improvement District
804 First Street
Napa, CA 94559

CITATION FOR NON-COMPLIANCE

Section 64533, Title 22, California Code of Regulations

Maximum Contaminant Level – Disinfection Byproduct

Running Annual Average 3rd Quarter 2012

Chapter 4, Article 9, Section 116650 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the California Department of Public Health (Department) hereby issues a citation to Lake Berryessa Resort Improvement District (System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64533.

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APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars ($1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations (CCR), Section 64533 states in relevant part:

> Using the monitoring and calculations methods specified in sections 64534, 64534.2, 64535 and 64535.2, the primary maximum contaminant level (MCL) for the disinfection byproducts shown in Table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A states in relevant part:

Table 64533-A

MCLs and Detection Limits for Purposes of Reporting Disinfection Byproducts

Disinfection Byproduct	Maximum Contaminant Level (mg/L)
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060

STATEMENT OF FACTS

The Department has received laboratory results for quarterly TTHM and HAA5 samples ending the 3rd Quarter 2012 from the public water system Lake Berryessa Resort Improvement District (System). The running annual average for TTHM and HAA5 concentrations from the last four quarters, ending with the 3rd Quarter 2012, for Lake Berryessa Resort Improvement District was 0.086 mg/L and 0.028 mg/L, respectively.

DETERMINATIONS

The Department determined that Lake Berryessa Resort Improvement District failed to comply with the MCL(s) for the TTHM running annual average(s) in the 3rd Quarter 2012, a violation of Section 64533, Title 22 of the CCR. The Department

hereby issues Citation No. 02-03-12C031-2800526-1211-02 to Lake Berryessa Resort Improvement District for failure to comply with Section 64533.

DIRECTIVES

Lake Berryessa Resort Improvement District is hereby directed to take the following actions:

1. Comply with Section 64533, Title 22 of the CCR in all future monitoring periods.
2. Notify all persons served by the System of the disinfection byproduct MCL violation(s) in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. Notification must be completed in accordance with each of the following:
    a. Completion of Attachment A to include the name, address and telephone number of a System official as a source of additional information concerning the public notice. Any deviations from the language contained in Attachment A requires prior approval from the Department. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the System to prevent this violation from occurring in the future. You must use the space provided on page 2 of Attachment A for this written description**.
    b. By mail or direct delivery of the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, to each customer receiving a bill, including those that provide their drinking water to others. This notice must also be given to all other service connections which receive water from the System. This notice must be delivered to each customer/service connection by December 31, 2012.
    c. By publication of the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper. This

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notice must be published for one day. The publication in a local newspaper must be completed by December 31, 2012.

d. The System shall provide public notice for this violation in accordance with Section 64465(c), Title 22 of the CCR. This section requires that each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish speaking residents may contact the System to obtain a translated copy of the public notice or assistance in Spanish. In addition, Section 64465(c) also requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in the community (whichever is less), the public notice must contain information in the appropriate language(s) regarding the importance of the notice, or it must contain a telephone number or address where such residents may contact the System to receive a translated copy of the notice or to receive assistance in the appropriate language. The Spanish language requirement is already included in the notice attached to this citation, Attachment A.

3. A representative of the System shall complete the attached Certification of Compliance form and return it to the Department by January 10, 2013. A copy of the notice delivered to customers and a copy of the newspaper publication must be attached to the Compliance Certification Form.

4. The public notification and Certification of Compliance requirements listed in the directives above shall be performed quarterly until Lake Berryessa Resort Improvement District is no longer in violation of a disinfection byproduct

maximum contaminant level. Future quarterly public notifications must include the most recent data available and be approved by the Department prior to distribution to Lake Berryessa Resort Improvement District customers. The public notice shall be distributed within 30 days of receiving laboratory results. A copy of the public notice shall be submitted to the Department within 40 days of receiving laboratory results.

5. The System shall submit a Source, Treatment and Operation Evaluation and Compliance Plan by January 10, 2013. The Source, Treatment and Operation Evaluation shall describe the potential factors that contributed to the formation of the disinfection byproducts. The Compliance Plan shall describe the action taken by the System to minimize the production of disinfection byproducts, a timeline for compliance and the monitoring frequency of various water quality parameters to determine if the action is adequate to minimize the formation of disinfection byproducts.

All submittals required by this Citation shall be submitted to the Department at the following address:

Michelle F. Frederick, P.E., District Engineer
Mendocino District
Drinking Water Field Operations Branch
50 D Street, Suite 200
Santa Rosa, CA 95404

The Department reserves the right to make such modifications to this Citation, as it deems necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

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PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has a failed to comply with orders of the department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the department. By issuance of this Citation, the Department does not waive any right to take additional or alternative enforcement action against the System including, but not limited to, assessment of civil penalties as authorized by law.

Michelle F. Frederick Nov. 26, 2012

Michelle Floyd Frederick, P.E., District Engineer Date
Mendocino District
Drinking Water Field Operations Branch

ATTACHMENTS Certified Mail No. 7012 1010 0000 3984 0026

2800526/Compliance-4/02-03-12C031-2800526-1211-02/AJL

CERTIFICATION OF COMPLIANCE

Citation Number 02-03-12C031-2800526-1211-02

Name of Water System: **Lake Berryessa Resort Improvement District**

System Number: **2800526**

Certification

As required by Section 64463.4 of the California Code of Regulations, I certify that the users of the water supplied by the **Lake Berryessa Resort Improvement District** were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period ending in the 3rd Quarter 2012. In addition, I certify that Lake Berryessa Resort Improvement District has complied with the directives of this citation as indicated below:

Required Action	Date Completed
Public Notification – Mail or Hand Delivery by **12/31/2012***	
Public Notification – Newspaper by **12/31/2012***	

_____ _____

Signature of Water System Representative Date

**Attach a copy of the notice delivered to customers and a copy of the notice published in the newspaper.*

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT BY January 10, 2013

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars ($5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than $25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

ATTACHMENT A

Required Notice for Exceeding Disinfectant/Disinfection Byproduct MCL

MPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Esta contiene información es muy importante sobre su ague potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Lake Berryessa Resort Improvement District Has Levels of Disinfection Byproducts Above Drinking Water Standards

The Lake Berryessa Resort Improvement District public water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation. Lake Berryessa Resort Improvement District routinely monitors the distribution system for the presence of total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5). The average annual testing results ending in the 3rd Quarter 2012 showed that the Lake Berryessa Resort Improvement District exceeded the maximum contaminant level (MCL) for TTHM. The most recent running annual averages for TTHM and HAA5 for Lake Berryessa Resort Improvement District are:

Ending Quarter	Running Annual Average TTHM Results (ug/L)	Running Annual Average HAA5 Results (ug/L)
3rd Quarter 2012	0.086	0.028

The TTHM and HAA5 maximum contaminant levels are 0.080 mg/L and 0.060 mg/L.

As a result of disinfecting drinking water, disinfectant byproducts may form. Design and/or disinfection modifications may reduce the level of disinfection byproducts in drinking water.

What should I do?
You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.

What does this mean?
This situation does not require that you take immediate action. If it had, you would have been notified immediately.

The California Department of Public Health (CDPH) sets drinking water maximum contaminant levels and requires the disinfection of drinking water. However, when used in the treatment of drinking water, disinfectants react with naturally-occurring organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). CDPH has determined that a number of DBPs are a health concern at certain levels of exposure. Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.

What happened? What is being done?
As a result of disinfection, we have exceeded the TTHM MCL in the 3rd Quarter 2012.

DESCRIBE ACTIONS AND PLANS TO PREVENT FROM FURTHER OCCURRENCES.

For more information, please contact **[INDIVIDUAL] [TITLE]. Phone [PHONE NUMBER].**

Alternatively, contact us by mail at Mr. Philip Miller, 804 First Street, Napa, CA 94559, the Office of Environmental Health Hazard Assessment at (916) 323-2514, or Michelle Frederick of the Department of Public Health Drinking Water Field Office Branch at (707) 576-2145.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Lake Berryessa Resort Improvement District (Public Water System *2800526)* Date distributed: